

**REGULATION II - PERMITS AND FEES**

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**MARICOPA COUNTY**  
**AIR POLLUTION CONTROL REGULATIONS**  
**REGULATION II - PERMITS AND FEES**  
**NEW RULE 201**  
**EMISSIONS CAPS**

**SECTION 100 - GENERAL**

- 101 PURPOSE:** To increase operating flexibility for Title V sources and for Non-Title V sources.
- 102 APPLICABILITY:** Unless otherwise noted, Rule 201 applies to each source with a Title V permit or with a Non-Title V permit.

**SECTION 200 - DEFINITIONS (NOT APPLICABLE)**

See Rule 100 (General Provisions And Definitions) of these rules for definitions of terms that are used but not specifically defined in this rule.

**SECTION 300 - STANDARDS**

- 301 EMISSIONS CAPS:** An applicant, in its application for a new permit, a renewal of an existing permit, a non-minor permit revision (for a Non-Title V source), or a significant permit revision (for a Title V source), may request an emissions cap for a particular pollutant, expressed in tons per year as determined on a 12-month rolling average or any shorter averaging time necessary to enforce any applicable requirement, for any emissions unit, combination of emissions units, or an entire source to allow operating flexibility including emissions trading for the purpose of complying with the emissions cap. This rule shall not apply to sources that hold an authority to operate under a General Permit, under Rule 230 of these rules.

**302 ESTABLISHMENT OF AN EMISSIONS CAP:**

- 302.1** In order to incorporate an emissions cap in a permit, the applicant must demonstrate to the Control Officer that terms and conditions in the permit will:
- a.** Ensure compliance with all applicable requirements for the pollutant;
  - b.** Contain replicable procedures to ensure that the emissions cap is enforceable as a practical matter and emissions trading conducted under the emissions cap is quantifiable and enforceable as a practical matter. For the purposes of this rule, "enforceable as a practical matter" shall include the following criteria:
    - (1)** The permit conditions are permanent and quantifiable;
    - (2)** The permit includes a legally enforceable obligation to comply;
    - (3)** The permit limits impose an objective and quantifiable operational or production limit or require the use of in-place air pollution control equipment;
    - (4)** The permit limits have short-term averaging times consistent with the averaging times of the applicable requirement;
    - (5)** The permit conditions are enforceable and are independent of any other applicable limitations; and
    - (6)** The permit conditions for monitoring, recordkeeping, and reporting requirements are sufficient to comply with Rule 220, subsections 302.3, 302.4, 302.5, 302.6, and 302.7 of these rules.

- c. For a Title V permit, include all terms required under Rule 210, subsection 302.1 of these rules and Rule 210, Section 305 of these rules.

**302.2** Title V sources shall log an increase or decrease in actual emissions authorized as a trade under an emissions cap, unless an applicable requirement requires notice to the Control Officer. The log shall contain the information required by the permit including, at a minimum, when the proposed emissions increase or decrease occurred, a description of the physical change or change in method of operation that produced the increase or decrease, the change in emissions from the physical change or change in method of operation, and how the increase or decrease in emissions complies with the permit. Non-Title V sources shall comply with Rule 220, subsection 404.2(e) of these rules.

**302.3** The Control Officer shall not include, in an emissions cap or emissions trading allowed under the emissions cap, any emissions unit for which the emissions are not quantifiable or for which there are no replicable procedures or practical means to enforce emissions trades.

**303 LIMITS OF A SOURCEWIDE EMISSIONS CAP:** An emissions cap for a Non-Title V source that limits the emissions of a particular pollutant for the entire source shall not exceed any of the following:

**303.1** The applicable requirement for the pollutant if expressed in tons per year;

**303.2** The source's actual emissions plus the applicable significance level for the pollutant established in Rule 100 of these rules;

**303.3** The applicable major source threshold for the pollutant; or

**303.4** A sourcewide emission limitation for the pollutant voluntarily agreed to by the source under Rule 220, Section 304 of these rules.

#### **SECTION 400 - ADMINISTRATIVE REQUIREMENTS (NOT APPLICABLE)**

#### **SECTION 500 - MONITORING AND RECORDS (NOT APPLICABLE)**